

SECOND REGULAR SESSION

SENATE BILL NO. 839

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS LOUDON AND KLINDT.

Read 1st time January 10, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3658S.011

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2006.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 303, RSMo, is amended by adding thereto one new section, to be known as section 303.390, to read as follows:

303.390. 1. This section shall be known and may be cited as the "Uninsured Motorist Stipulation of Benefits Act of 2006".

2. An owner and operator of a motor vehicle who operates the motor vehicle on the public highways of this state, or who knowingly permits the operation of the motor vehicle on the public highways of this state, who fails to have in full force and effect a complying liability policy providing at least the minimum liability coverage required by this state and covering the motor vehicle at the time of an accident shall:

(1) Be deemed to have waived any right to recover against a complying policyholder for noneconomic loss; and

(2) Recover, if at all, only for an award covering economic loss.

Such waiver shall not apply if it can be proven that the accident was caused, wholly or in part, by a tortfeasor's operating a motor vehicle under the influence of drugs or alcohol, or who is convicted of vehicular assault or homicide. The provisions of this section shall not apply to an uninsured motorist whose immediately previous insurance policy meeting the requirements of section 303.190 was terminated or nonrenewed for failure to pay the premium, unless notice of termination or nonrenewal for failure to pay such premium was provided by such insurer at least thirty days prior to the time of the

22 accident.

23 **3. In an action against a complying policyholder by a person**
24 **deemed to have waived recovery under subsection 2 of this section:**

25 **(1) Any award in favor of such person shall be reduced by an**
26 **amount equal to the portion of the award representing compensation**
27 **for noneconomic losses;**

28 **(2) The trier of fact shall not be informed, directly or indirectly,**
29 **of such waiver or of its effect on the total amount of such person's**
30 **recovery.**

31 **4. Nothing in this section shall be construed to preclude recovery**
32 **against an alleged tortfeasor of benefits provided or economic loss**
33 **coverage.**

34 **5. There is a rebuttable presumption of a knowing violation of**
35 **the minimum insurance requirements contained in subsection 2 of this**
36 **section if such insurance has lapsed, terminated, or otherwise been**
37 **ineffective for a period of at least thirty days prior to the accident.**

38 **6. Passengers in the uninsured motor vehicle are not subject to**
39 **such waiver.**

Bill ✓

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